



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 26 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL # 7009 1680 0000 7677 8428
RETURN RECEIPT REQUESTED

Mr. Steve Kimmel
Vice President of Business Development
USA Lamp & Ballast Recycling, Inc.
7650 215th Street West
Lakeville, Minnesota 55044

Re: Notice of Violation
USA Lamp & Ballast Recycling, Inc.
EPA ID No.: MN0 000 242 875

Dear Mr. Kimmel:

On July 23, 2014 a representative of the U.S. Environmental Protection Agency inspected the USA Lamp & Ballast Recycling, Inc. (USA Lamp) facility, located at 7650 215th Street West, Lakeville, Minnesota. The purpose of the inspection was to evaluate USA Lamp's compliance with certain provisions of the Resource Conservation and Recovery Act (RCRA); specifically, those regulations related to the management of CRTs, electronics and universal waste. Please find enclosed a copy of the inspection report for your reference.

Based on the information provided by USA Lamp, a review of records and the inspector's personal observations while inspecting the facility, EPA finds that USA was not in compliance with the following requirements:

1. A large quantity handler of universal waste must label or mark each lamp, or container or package in which such lamps are contained, with one of the following phrases: "Universal Waste Lamps," "Waste Lamps," or "Used Lamps". See, Minn. R. 7045.1400 [40 CFR § 273.34(e)]

At the time of the July 23, 2014, inspection, USA Lamp was storing a large volume of waste lamps without marking them with any of the above phrases. USA Lamp, therefore, violated the universal waste marking requirement.

2. A large quantity handler of universal waste must manage any lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. See, Minn R. 7045.1400 [40 CFR § 273.33 (d)(1)].

At the time of the July 23, 2014, inspection, USA Lamp was storing a large volume of loose and open containers of waste lamps. USA Lamp, therefore, violated the universal waste lamp storage requirement.

3. A large quantity handler of universal waste must immediately clean up and place in a container any lamp that is broken and must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. See, Minn. R. 7045.1400 [40 CFR § 273.33(d)(2)].

At the time of the July 23, 2014, inspection, USA Lamp was storing a broken lamp that showed evidence of breakage and leakage. USA Lamp, therefore, violated the universal waste lamp storage requirement.

4. If electronic waste is stored in containers, the containers must be labeled with the words "Electronics for Recycling," or "E-waste." Minn. R. 7045.0626(4)(a)

At the time of the July 23, 2014, inspection, USA Lamp was storing containers of e-waste without the above words. USA Lamp, therefore, violated the electronic waste marking requirement. However, the containers were labeled during the inspection. Based on that corrective action, USA Lamp is now in compliance with Minn. R. 7045.0626(4)(2).

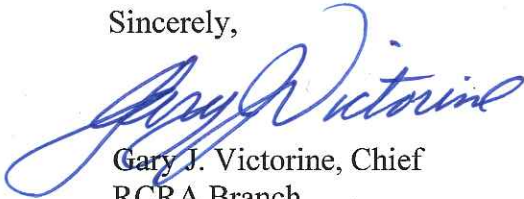
Under Section 3008(a) of the RCRA, EPA may issue an order assessing a civil penalty for any past or current violation requiring compliance immediately or within a specified time period. Although this letter is not such an order, you are hereby requested to submit a response in

writing to this office no later than thirty (30) days after receipt of this letter documenting the actions, if any, which have been taken since the inspections to establish compliance with the above conditions and requirements.

You should submit your response to Sheila Burrus, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604.

If you have any questions regarding this letter, please contact Ms. Burrus, of my staff, at (312) 886-3587.

Sincerely,

A handwritten signature in blue ink, reading "Gary J. Victorine". The signature is fluid and cursive, with the first name "Gary" being more prominent and the last name "Victorine" following in a similar style.

Gary J. Victorine, Chief
RCRA Branch

Enclosure

cc: John Elling, Minnesota Pollution Control Agency (john.elling@state.mn.us)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 W. JACKSON BOULEVARD
CHICAGO, IL 60604

COMPLIANCE EVALUATION INSPECTION REPORT

INSTALLATION NAME: USA Lamp & Ballast Recycling, Inc.

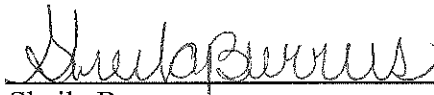
U.S. EPA ID. No.: MN0 000 242 875

LOCATION ADDRESS: 7650 215th Street West
Lakeville, Minnesota 55044

DATE OF INSPECTION: July 23, 2014

U.S. EPA INSPECTOR: Sheila Burrus

PREPARED BY:



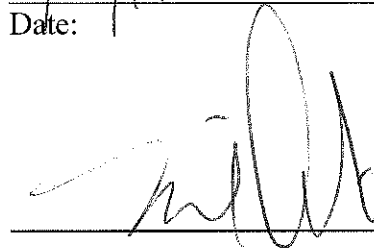
Sheila Burrus

Environmental Protection Specialist

8/28/14

Date:

REVIEWED BY:



Michael Cunningham, Chief

Compliance Section 1

RCRA Branch

Land and Chemicals Division

9/4/14

Date:

Purpose of Inspection

The purpose of the inspection was to conduct an un-announced compliance evaluation inspection (CEI) at USA Lamp & Ballast Recycling, Inc. (USA Lamp), located at 7650 215th Street West, Lakeville, Minnesota, to evaluate USA Lamp's compliance with certain provisions of the Resource Conservation and Recovery Act (RCRA); specifically those regulations related to the management of hazardous waste and used oil.

Participants: Steve Kimmel, Vice President of Business Development represented USA Lamp. Rolland Meiller, Environmental Specialist represented Dakota County, Environmental Resource Department. Sheila Burrus represented EPA Region 5, Land and Chemicals Division.

Installation Description/Background

USA Lamp is a recycler of cathode ray tubes (CRTs), electronics and universal waste.

USA Lamp's incoming materials include monitors/CRTs, central processing units (CPUs), printers, radios, alarm clocks, circuit boards, power supplies, lamp fixtures, keyboards, hard drives, waste lamps, batteries and mercury-containing devices, fluorescent light ballasts (small capacitors), TVs, computers and other electronic equipment. The items are sorted, disassembled/demanufactured and repackaged to be sent to final destination facilities.

USA Lamp takes 100 percent of its incoming materials from commercial sources. Some of its customers are Menards, U-Haul Moving and Storage, U.S. Postal Services, Veolia ES North America Corporation, American Apparel and Albrecht Sign Company. USA Lamp charges its customers by the pound for CRTs, TVs/monitors and by the quantity for waste lamps.

Ninety-nine percent of the e-waste is shipped to Cleanlites Recycling located in Cincinnati, Ohio for processing. The remaining one percent of the e-waste is processed at USA Lamp.

USA Lamp ships 100 percent of its waste lamps to Cleanlites Recycling located in Mason, Michigan for processing.

USA Lamp is the owner of the Cleanlites Recycling facilities located in Mason, Michigan and Cincinnati, Ohio.

USA Lamp's current hazardous waste license, issued by Dakota County, was visibly posted in a public area. The license is valid from April 1, 2014 through March 31, 2015.

USA Lamp was founded in the year 1991 and moved to its present location in Lakeville, Minnesota in August 2011. USA Lamp has three processing facilities located in Mason, Michigan, Cincinnati, Ohio and Spartanburg, North Carolina.

Recycling Process Procedures

The waste lamps are repackaged and shipped to Cleanlites Recycling, Inc. located in Mason, Michigan for processing. Cleanlites Recycling uses a waste lamp recycling system that crushes and separates the lamps into various components. The recycled mercury and phosphate powder is sold to lamp manufacturers. The aluminum end caps from the lamps are sent to Northern Metal Recyclers located in Minneapolis, Minnesota.

Electronics are dismantled to their base materials of plastic, wire, circuit boards, and scrap metal. The plastic is shipped to RockTenn – St. Paul Recycle located in St. Paul, Minnesota. The scrap metal and insulated wire are shipped to Northern Metal Recyclers located in Minneapolis, Minnesota. The circuit boards are shipped to Integrated Recycling Technologies, Inc. located in Monticello, MN.

The CRTs, monitors and TVs are shipped to SR Processors located in Ladysmith, Wisconsin and NovoTec, LLC Recycling located in Columbus, Ohio for processing. CRTs are not dismantled at USA Lamp.

Batteries are sorted by the chemistry of the cell (lead acid, nickel-cadmium, alkaline, zinc carbon, zinc air, alkaline manganese, lithium, silver oxide). The lead acid batteries are shipped to The Dow Run Company located in Boss, Missouri. All other batteries are shipped to Battery Solutions, LLC located in Howell, Michigan and to International Marine Salvage Raw Materials located in Buffalo, New York.

Opening Conference

I arrived at USA Lamp at approximately 8:00 a.m. on July 23, 2014. I introduced myself to the receptionist who contacted Steve Kimmel, Vice President of Business Development who arrived on-site approximately 10 minutes later. I then presented my Enforcement Credential to Mr. Kimmel and told him the purpose of my visit. Mr. Kimmel and I convened at a table where I explained that I would be conducting a CEI that included a visual site inspection (VSI) and records review. I also informed Mr.

Kimmel that Rolland Meiller from the Dakota County, Environmental Resource Department would be joining us at approximately 9:15 a.m.

I asked Mr. Kimmel if he ever exported CRTs and/or other electronic devices out of the Country. He answered “no”.

I informed Mr. Kimmel that USA Lamp could claim any information gathered during the inspection as Confidential Business Information (CBI) including: verbal information, documents and photographs. USA Lamp representative claimed a two page document titled Cleanlites Recycling, Destination Facilities as CBI.

I provided a Small Business Resource Information Sheet, the Keys to Success brochure, the U.S. EPA – Region 5 Pollution Prevention Technical Assistance Contacts list and the U.S. EPA Managing Used Oil Advice for Small Business brochure to Mr. Kimmel.

I began the CEI by conducting the records review portion of the inspection.

Records Review

I began the records review by reviewing CRT invoices for the years 2011, 2012 and 2013. Next, I reviewed bill of ladings, shipping receipts and invoices for incoming and outgoing waste lamps and e-waste.

I asked Mr. Kimmel for the weight of incoming and outgoing waste lamps and e-waste for the years of 2011 through 2013. Mr. Kimmel stated that he would generate a report and send it via email. I received annual reports for the years 2011 through 2013, listing the weight for incoming waste lamps and e-waste for the above 3 years from Mr. Kimmel via email on July 24, 2014.

Below is a chart that breaks down the weight of incoming waste lamps, waste batteries, electronics and mercury containing devices for the years 2011 through 2013:

| Year | Waste Lamps | Waste Batteries | Electronics | Mercury Containing Devices |
|-------------|--------------------|------------------------|--------------------|-----------------------------------|
| 2011 | 112,870 lbs | 454 lbs | 65,406 lbs | 1,023 lbs |
| 2012 | 257,347 lbs | 8,551 lbs | 126,984 lbs | 12 lbs |
| 2013 | 911,389 lbs | 35,163 lbs | 280,809 lbs | 238 lbs |

USA Lamp is required to maintain financial assurance. I reviewed a letter of credit which is effective from January 31, 2013 until January 31, 2015. I also reviewed training records for the years 2011 through 2013, as well as, the most current contingency plan and found them to be complete.

Visual Site Inspection (VSI)

I was accompanied by Mr. Kimmel and Mr. Meiller during the VSI portion of the inspection. We entered a large room that was approximately 9,600 square feet in size and where storage of recycle waste is located, repackaging of e-waste/universal waste and disassembly of small amounts of e-waste is performed. I observed when entering the room, unlabeled containers of e-waste. Mr. Kimmel had an employee immediately affix green labels to the containers that read, "EWASTE FOR RECYCLE." I also observed computer monitors being stored on the floor (Photographs 1 through 4).

I then observed approximately 500 feet away from the waste lamps, unlabeled containers of e-scrap metal, CRT tubes and ballast (Photographs 5 through 8). I also observed an employee sorting containers of batteries.

Next, we proceeded to the incoming material storage area where I observed a large volume of universal waste lamps in containers. I observed loose lamps, broken lamps, open containers and unlabeled containers (Photographs 10 through 16). Mr. Kimmel stated that the waste lamps came from Menards one day prior to my inspection. He then said that all of the waste lamps would be repackaged and shipped to its Mason, Michigan location for processing. I requested a copy of the receipt for the incoming waste lamps to verify the date of delivery. The waste lamps were delivered on July 22, 2014. Mr. Kimmel said that the container would be repackaged and shipped to its Mason, Michigan facility for processing. At this time, I informed Mr. Kimmel that universal waste lamps must be contained in closed containers that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps.

Closing Conference

In closing, a brief conference was held. I summarized where Mr. Kimmel had taken me during the VSI and what information was presented to me. I summarized my concerns and concluded the CEI at approximately 10:45 a.m.

Attachment

Inspection Checklist

Photographs 1 through 16

Addendum

On August 28, 2014, I received from Mike Kimmel, Safety and Compliance Officer, USA Lamp and Ballast Recycling, Inc. the weight of outgoing waste lamps and e-waste for the years 2011 through 2013.

Below is a chart that breaks down the weight of outgoing waste lamps, waste batteries, electronics and mercury containing devices for the years 2011 through 2013:

| Year | Waste Lamps | Waste Batteries | Electronics | Mercury Containing Devices |
|------|-------------|-----------------|--|----------------------------|
| 2011 | 112,870 lbs | 454 lbs | 526 lbs shipped off-site 64,880 lbs dismantled on-site. | 1,023 lbs |
| 2012 | 257,347 lbs | 8,551 lbs | 34,877 lbs shipped off-site 92,107 lbs dismantled on-site | 12 lbs |
| 2013 | 911,389 lbs | 35,163 lbs | 146,126 lbs shipped off-site 134,683 lbs dismantled on-site | 238 lbs |

Minnesota Pollution Control Agency

Electronic Waste Collector Inspection Checklist

Compliance Evaluation Inspection

Preferred ID: MND000242875

Regulated Party Name: USA Lamp & Ballast Recycling, LLC

Date of Inspection: 7/23/14

Inspector: Sheila Burrus

24: Licensing / EPA / Permits

| Rule | Requirement | Compliance Status | Remarks |
|----------------|---|-------------------|---------|
| 7045.0556 2 | Has the Regulated Party obtained a hazardous waste identification number? | Yes | |
| 7045.0582 3 | Outstate - Has the Regulated Party submitted a hazardous waste license application at least every three years or upon receiving an application from the MPCA? | Yes | |
| 115A.1312 3 | If the Regulated Party accepts E-waste from households, has the Regulated Party registered with the MPCA as a Collector? | N/A | |

24: General Management for Generators

| Rule | Requirement | Compliance Status | Remarks |
|----------------------|--|-------------------|---------|
| 7045.0675 4, A, 2 | Has the Regulated Party kept records of E-waste shipments from the site for 3 years from the date of shipment? | Yes | |
| 7001.0520 1, A | Has the Regulated Party each year processed or shipped off-site for recycling at least 75% of the weight of E-waste received in each year? | Yes | |

24: Storage Requirements

| Rule | Requirement | Compliance Status | Remarks |
|-------------------|---|-------------------|---------|
| 7045.0632 4, a | Is E-waste stored indoors or in impervious, closed containers? | Yes | |
| 7045.0626 2 | Has E-waste which is damaged or otherwise might release hazardous constituents during normal handling been appropriately containerized? | N/A | |
| 7045.0626 4a | If E-waste is stored in containers, are the containers labeled with the words 'Electronics for Recycling' or the words 'E-waste'? | NO | |

Minnesota Pollution Control Agency

Electronic Waste Collector Inspection Checklist

Compliance Evaluation Inspection

Preferred ID:

Regulated Party Name:

Date of Inspection:

Inspector:

24: Reporting Requirements

| Rule | Requirement | Compliance Status | Remarks |
|----------------|---|-------------------|---------|
| 115A.1316 3 | If the Regulated Party accepts E-waste from households, has the Regulated Party annually reported the amount of household covered electronic devices it accepted? | N/A | |



PHOTOGRAPH: 1

NAME OF PHOTOGRAPHER:

Sheila Burrus

DATE OF PHOTOGRAPH:

July 23, 2014

SCENE BEING PHOTOGRAPHED:

unlabeled e-waste

SITE LOCATION:

7650 215th Street W
Lakeville, Minnesota

INSTALLATION NAME:

USA Lamps & Ballasts Recycling, Inc.

INSTALLATION I.D. #

MNO 000 242 875



PHOTOGRAPH: 2

NAME OF PHOTOGRAPHER:

Sheila Burrus

DATE OF PHOTOGRAPH:

July 23, 2014

SCENE BEING PHOTOGRAPHED:

unlabeled e-waste

SITE LOCATION:

7650 215th Street W
Lakeville, Minnesota

INSTALLATION NAME:

USA Lamps & Ballasts Recycling, Inc.

INSTALLATION I.D. #

MN0 000 242 875



PHOTOGRAPH: 3

NAME OF PHOTOGRAPHER:

Sheila Burrus

DATE OF PHOTOGRAPH:

July 23, 2014

SCENE BEING PHOTOGRAPHED:

Hard Drives

SITE LOCATION:

7650 215th Street W
Lakeville, Minnesota

INSTALLATION NAME:

USA Lamps & Ballasts Recycling, Inc.

INSTALLATION I.D. #

MNO 000 242 875



PHOTOGRAPH: 4

NAME OF PHOTOGRAPHER:

Sheila Burrus

DATE OF PHOTOGRAPH:

July 23, 2014

SCENE BEING PHOTOGRAPHED:

monitors

SITE LOCATION:

7650 215th Street W
Lakeville, Minnesota

INSTALLATION NAME:

USA Lamps & Ballasts Recycling, Inc.

INSTALLATION I.D. #

MN0 000 242 875



PHOTOGRAPH: 5

NAME OF PHOTOGRAPHER:

Sheila Burrus

DATE OF PHOTOGRAPH:

July 23, 2014

SCENE BEING PHOTOGRAPHED:

Container of Ballast

SITE LOCATION:

7650 215th Street W
Lakeville, Minnesota

INSTALLATION NAME:

USA Lamps & Ballasts Recycling, Inc.

INSTALLATION I.D. #

MN0 000 242 875



PHOTOGRAPH: 6

NAME OF PHOTOGRAPHER:

Sheila Burrus

DATE OF PHOTOGRAPH:

July 23, 2014

SCENE BEING PHOTOGRAPHED:

container of e-scrap metal

SITE LOCATION:

7650 215th Street W

Lakeville, Minnesota

INSTALLATION NAME:

USA Lamps & Ballasts Recycling, Inc.

INSTALLATION I.D. #

MNO 000 242 875



PHOTOGRAPH: 7

NAME OF PHOTOGRAPHER:

Sheila Burrus

DATE OF PHOTOGRAPH:

July 23, 2014

SCENE BEING PHOTOGRAPHED:

container of e-scrap metal

SITE LOCATION:

7650 215th Street W

Lakeville, Minnesota

INSTALLATION NAME:

USA Lamps & Ballasts Recycling, Inc.

INSTALLATION I.D. #

MN0 000 242 875



PHOTOGRAPH: 8

NAME OF PHOTOGRAPHER: Sheila Burrus

DATE OF PHOTOGRAPH: July 23, 2014

SCENE BEING PHOTOGRAPHED: monitors

SITE LOCATION: 7650 215th Street W

Lakeville, Minnesota

INSTALLATION NAME: USA Lamps & Ballasts Recycling, Inc.

INSTALLATION I.D. # MNO 000 242 875



PHOTOGRAPH: 9

NAME OF PHOTOGRAPHER: Sheila Burrus

DATE OF PHOTOGRAPH: July 23, 2014

SCENE BEING PHOTOGRAPHED: labeled e-waste

SITE LOCATION: 7650 215th Street W
Lakeville, Minnesota

INSTALLATION NAME: USA Lamps & Ballasts Recycling, Inc.

INSTALLATION I.D. # MN0 000 242 875



PHOTOGRAPH: 10

NAME OF PHOTOGRAPHER:

Sheila Burrus

DATE OF PHOTOGRAPH:

July 23, 2014

SCENE BEING PHOTOGRAPHED:

loose/unlabeled open containers of waste lamps

SITE LOCATION:

7650 215th Street W

Lakeville, Minnesota

INSTALLATION NAME:

USA Lamps & Ballasts Recycling, Inc.

INSTALLATION I.D. #

MN0 000 242 875



PHOTOGRAPH: 11

NAME OF PHOTOGRAPHER:

Sheila Burrus

DATE OF PHOTOGRAPH:

July 23, 2014

SCENE BEING PHOTOGRAPHED:

loose, unlabeled/opened containers of waste lamps

SITE LOCATION:

7650 215th Street W

Lakeville, Minnesota

INSTALLATION NAME:

USA Lamps & Ballasts Recycling, Inc.

INSTALLATION I.D. #

MN0 000 242 875



PHOTOGRAPH: 12

NAME OF PHOTOGRAPHER:

Sheila Burrus

DATE OF PHOTOGRAPH:

July 23, 2014

SCENE BEING PHOTOGRAPHED:

loose, unlabeled opened container of waste lamps

SITE LOCATION:

7650 215th Street W

Lakeville, Minnesota

INSTALLATION NAME:

USA Lamps & Ballasts Recycling, Inc.

INSTALLATION I.D. #

MNO 000 242 875



PHOTOGRAPH: 13

NAME OF PHOTOGRAPHER:

Sheila Burrus

DATE OF PHOTOGRAPH:

July 23, 2014

SCENE BEING PHOTOGRAPHED:

broken/unlabeled waste lamps

SITE LOCATION:

7650 215th Street W

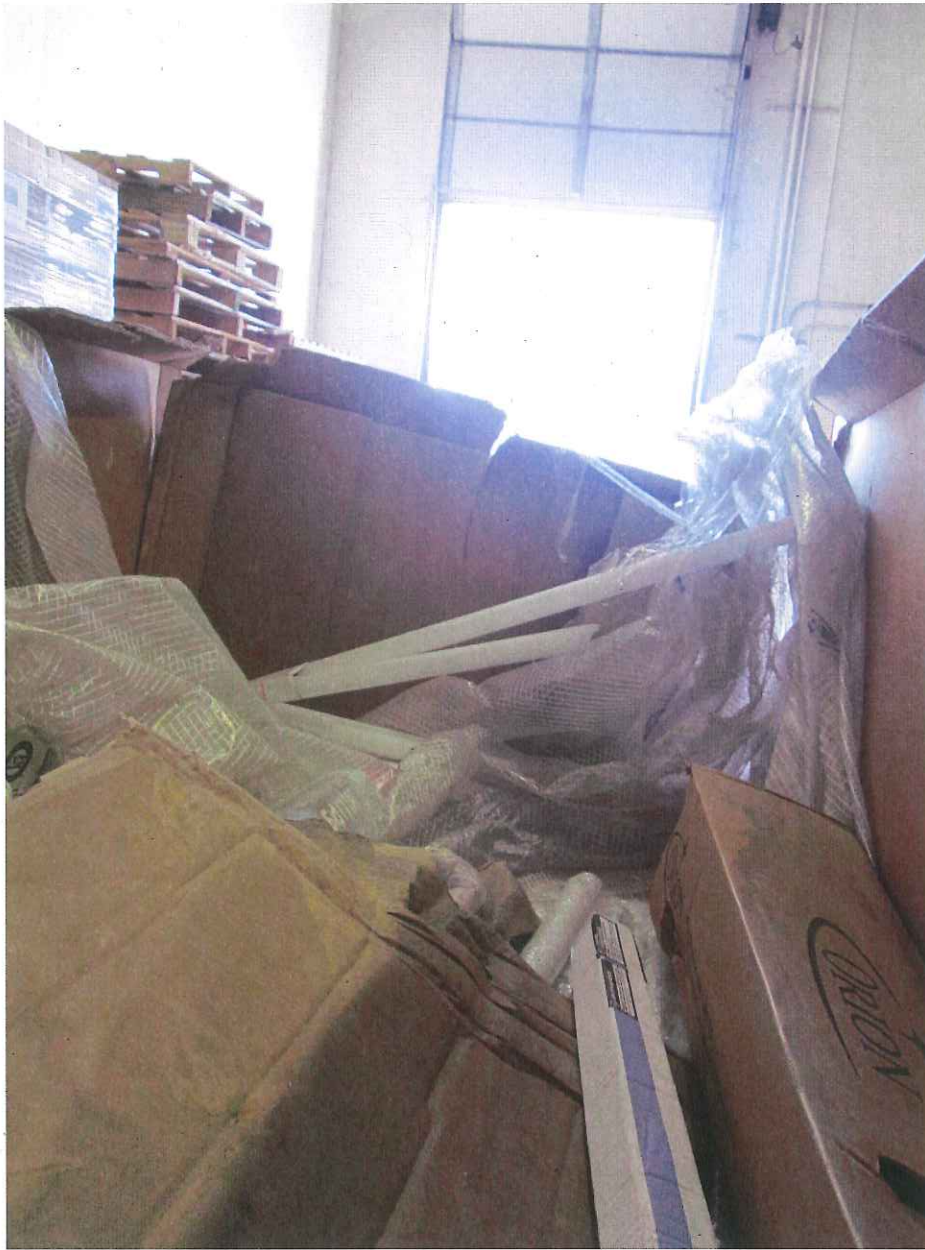
Lakeville, Minnesota

INSTALLATION NAME:

USA Lamps & Ballasts Recycling, Inc.

INSTALLATION I.D. #

MNO 000 242 875



PHOTOGRAPH: 14

NAME OF PHOTOGRAPHER:

Sheila Burrus

DATE OF PHOTOGRAPH:

July 23, 2014

SCENE BEING PHOTOGRAPHED:

loose, unlabeled/open containers of waste lamps

SITE LOCATION:

7650 215th Street W

Lakeville, Minnesota

INSTALLATION NAME:

USA Lamps & Ballasts Recycling, Inc.

INSTALLATION I.D. #

MN0 000 242 875



PHOTOGRAPH: 15

NAME OF PHOTOGRAPHER:

Sheila Burrus

DATE OF PHOTOGRAPH:

July 23, 2014

SCENE BEING PHOTOGRAPHED:

loose, unlabeled/opened containers of waste lamps

SITE LOCATION:

7650 215th Street W

Lakeville, Minnesota

INSTALLATION NAME:

USA Lamps & Ballasts Recycling, Inc.

INSTALLATION I.D. #

MN0 000 242 875



PHOTOGRAPH: 16

NAME OF PHOTOGRAPHER:

Sheila Burrus

DATE OF PHOTOGRAPH:

July 23, 2014

SCENE BEING PHOTOGRAPHED:

loose, unlabeled/opened containers of waste lamps

SITE LOCATION:

7650 215th Street W

Lakeville, Minnesota

INSTALLATION NAME:

USA Lamps & Ballasts Recycling, Inc.

INSTALLATION I.D. #

MN0 000 242 875

